

**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, May 14, 2012**

Present:

Trustee Brandt	Trustee Feldman
Trustee Grujanac	Trustee McDonough
Trustee Saltiel	Trustee Servi
Mayor Blomberg	Village Clerk Mastandrea
Village Manager Irvin	Director of Community Development McNellis
Director of Financial Systems Roelker	Director of Public Works Hughes
Police Chief Kinsey	Village Attorney Simon
Village Treasurer Curtis	Building Inspector Jesse

Location: Village Hall, Public Meeting Room, One Olde Half Day Road, Lincolnshire, Illinois 60069

ROLL CALL

Mayor Blomberg called the meeting to order at 7:21 p.m. and Village Manager Irvin called the Roll.

APPROVAL OF MINUTES

2.1 Acceptance of the minutes of the April 23, 2012 Committee of the Whole Meeting

2.11 The minutes of the April 23, 2012 Committee of the Whole Meeting were accepted as submitted.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Consideration and discussion of a request for Referral of an amendment to a Special Use, granted under Ordinance No. 65-138-15, to permit the existing additions to the original Community Christian Church, as well as the established Montessori Nursery School, to continue their current operations, at 1970 Riverwoods Road (Community Christian Church/Lincolnshire Montessori School)

Director of Community Development McNellis said Community Christian Church was granted its base Special Use by virtue of a general waiver in 1965. The church is requesting an amendment to their Special Use. The

approved amendment would permit the building additions, which occurred in 1971 & 1981, as well as a Special Use for the Lincolnshire Montessori School, which has been in existence since 1981. Two out of the three buildings on the church site were not covered by the original Special Use Permit and it is necessary for these additions to get an amendment to the Special Use. Village staff did not follow the process in requiring the Special Use permit amendments, for those two additions, when issuing the building permits. The church is not proposing to change their operation. Director of Community Development McNellis said per Village Code, nursery schools are permitted only with twenty-five children in attendance at any time. They must meet state requirements and must be on a minimum of four acres. The Montessori School stated that they do not now, nor have they ever exceeded twenty-five students in attendance at any one time. Finally, the church is requesting a waiver of all eligible fees per the Village Code. This is a request for referral to the Zoning Board for Public Hearings regarding the amendment for the building additions and for the school.

Mr. Perry Grace from Community Christian Church, came before the Board and said the church was the first church in Lincolnshire. The Montessori School was originally started in the home of a member and has been a success. No changes are contemplated in the operations of the church or school.

Trustee Feldman said that her children attended the Montessori School. Trustee Saltiel said he received a letter from Evelyn Cooper, dated May 14, 2012, raising certain issues with respect to the propriety of the school and accessory use being a not-for-profit and asked that the letter be entered into the record so it could be presented to the Zoning Board. Trustee Saltiel said the way he reads the Special Use provision; there is no requirement that it be a for-profit or not-for-profit, it merely refers to nursery schools to the accessory of the church and he does not believe this should be an issue. Trustee McDonough asked about the number of children and if the Church anticipated it getting any more students. Mr. Grace said the church has never reached the twenty-five maximum and he did not anticipate it going higher.

Ms. Joy Serauskas, 1 Fairfax Lane, asked if staff was going to approve waiving the fees because even though the Church is a not-for-profit, the school is a for-profit. Village Attorney Simon said there has been an application to waive fees, but a decision will not be made until this comes back after the Zoning Board approves it. Mayor Blomberg said when this comes back from the Zoning Board, the Village Board will discuss splitting the fees out between the for-profit and not-for-profit and decide what fees are to be waived.

The consensus of the Board was to refer this to the Zoning Board.

- 3.12 Consideration and discussion of a Zoning Board recommendation regarding a Text Amendment to Section 6-14-14(N)(5), Farmers Market, of the Administration & Enforcement section of the Lincolnshire Zoning Code, to include the O/Ia Office/Industrial Zoning District as a permitted Zoning District for Farmers Market operations (Village of Lincolnshire)**
- 3.13 Consideration and discussion of a Zoning Board recommendation regarding a Special Use, to permit the operation of a Farmers Market, for the 2012 Calendar Year, in the parking lot of 300 Knightsbridge Parkway, located in the O/Ia Office/Industrial Zoning District (Aaron Kinney/TGF, Inc.)**

At the request of Director of Community Development McNellis, Mayor Blomberg opened up items 3.12 and 3.13 together.

Director of Community Development McNellis said the Zoning Board held Public Hearings regarding the proposed Text Amendment to allow the Farmers Markets as a Special Use in the Office/Industrial District and also the request for an individual Farmers Market at 300 Knightsbridge Parkway parking lot. Both requests were unanimously recommended for approval by the Zoning Board. The request for 300 Knightsbridge Parkway, was subject to three stipulations. The first stipulation defines producer in a less restrictive manner than the Village Code, but maintains a reasonable connection between the actual provider of the product and the seller. Village Attorney Simon worked with staff in regards to this language. The second stipulation will require all products be homegrown or homemade and the third stipulation will require all goods prepared or processed in home kitchens, meet the Cottage Food Law. Director of Community Development McNellis said staff will look at the Code after this year to see if there are any overall changes that should be made.

There was a consensus of the Board to place this item on the Consent Agenda for approval for the next regular Village Board Meeting.

- 3.14 Consideration and discussion of amendments to Title 5, Building Regulations, to consider adoption of the 2009 ICC Code Series regarding Building and Property Maintenance, and associated Fire and Plumbing Codes (Village of Lincolnshire)**

Building Inspector Jesse said staff previously discussed considering an update of the Building Codes, from the currently referenced 2006 to the 2009 addition of the ICC series. The International Code Council

publishes revised codes every three years and in the year 2000, staff and Board agreed to adopt every other series for a new Code every six years. In November 2011, staff brought a proposal to the Board to adopt the 2012 Codes and at that time the Board felt the 2012 series placed too many new requirements on permit applicants and requested staff return with a summary of changes from the 2009 Codes. Building Inspector Jesse said the staff summary only includes significant changes that may increase costs for permit applicants and provided proposals for additional language staff would like to include to address concerns specific to the Village. One of the significant changes is the addition of automatic fire sprinklers in new single-family homes. The Board previously requested staff conduct a survey of surrounding communities. Building Inspector Jesse said nineteen communities were included and only five require residential fire sprinklers and three require them in certain situations.

Building Inspector Jesse went through some of the other Code changes staff would like to adopt in regards to the National Electric Code, exterior disconnect for electric service, an oil separator if a floor drain is installed in a private garage and security measure for above ground fuel storage tanks. Staff recommends the adoption of these Code changes from the 2009 Codes.

Trustee Saltiel said he did not think today's economy would allow the Village to adopt the residential fire sprinklers but he is in favor of all the other recommended changes. Trustee Brandt agreed and said she did not want to mandate the residential fire sprinklers. Trustee Servi asked if the Code for the fuel storage tanks would be changing to match article D of the Fire Code. Building Inspector Jesse said Article D is in our current Fire Code and staff would like to add section 5-4D-4, which references the NFPA-30 in order to regulate above-ground storage tanks. Director of Community Development McNellis said if approved, the Village would be adopting a portion of the 2012 Code to address the outdoor storage tanks that have been a concern. Mayor Blomberg asked if the Villages tanks were secure and Director of Public Works Hughes confirmed they were secure. Village Attorney Simon asked if the 2009 Property Maintenance Code clarifies the ambiguity occupancy limits that was an issue in 2006. Building Inspector Jesse said the changes do not reflect the occupancy issue, but staff can add this. Mayor Blomberg wanted to know if a contractor built a firewall to separate a section of a building from another, would the contractor need to tag the wall to state firewall and what purpose would it serve. Building Inspector Jesse said the tag would be located above a suspended or dropped ceiling so that in the future, if trades were to come in and remove ceiling tiles, then they would realize it as a firewall. Mayor Blomberg asked if the exterior disconnect was so the

Fire Department could come in and turn off the power. Building Inspector Jesse confirmed this was for the Fire Department to turn off power.

It was the consensus of the Board to adopt the recommended Codes without the residential fire sprinklers and add the Code to address occupancy limits.

Director of Community Development McNellis said the Village has to go through a public review period, buy books, notify the public and have a thirty-day public review prior to adopting the Codes. Once this is done, staff will bring this back to the Committee of the Whole to finalize.

3.3 Public Works

3.31 Consideration and discussion of Village Identification Sign Options to be Located within the Riverwoods Road and Everett Road Roundabout (Village of Lincolnshire)

Director of Public Works Hughes said staff made a 2' X 2' wood mock-up of a sign to be located on the south splitter island. The sign would face traffic coming into town. Staff spoke with Lake County Department of Transportation and they would approve the sign but would like it to be moved a few feet to the south. The mock up is based on two 4' X 4' posts, but staff suggests modifying this by either going with a single post or a double post as shown in Exhibit 3, and rounding off the top of the sign. Staff is seeking direction prior to moving forward.

Trustees Brandt and Saltiel said they are not in favor of the proposed sign and options presented by staff. Trustee Saltiel recommended putting the Lincolnshire "L" up around the roundabout, tilting up the existing signs and adding a back to be more cost effective. Trustee McDonough said he is not in favor of putting up the Lincolnshire "L" because many people coming into the Village would not know what it represented.

Staff will tilt the existing signs and get more information from the Board after this is completed.

3.32 Consideration and discussion of a Professional Services Contract with AECOM of Vernon Hills, IL, in an Amount Not to Exceed \$17,100 for Engineering Related to the Lincolnshire Creek Streambank Stabilization Project (Village of Lincolnshire)

3.33 Consideration and discussion of a Professional Services Contract with Christopher B. Burke Engineering, LTD, of Rosemont, IL, in an Amount Not to Exceed \$25,954.00 for Engineering Related to the

Chicago River Streambank Stabilization Project (Village of Lincolnshire)

At the request of Director of Public Works Hughes, Mayor Blomberg opened up items 3.32 and 3.33 together.

Director of Public Works Hughes said both of these projects involve streambank stabilization in areas that are experiencing significant erosion. Staff solicited five engineering firms, who are known for this type of work and work in surrounding communities. Director of Public Works Hughes said based on the request for qualifications, staff selected AECOM for the Lincolnshire Creek Project and Christopher B. Burke Engineering, Ltd for the Chicago River Project. Staff is seeking approval to move forward with these projects. Director of Public Works Hughes asked the Board to keep in mind that these projects are designed to establish construction costs in order to seek funding and prepare general scopes of work for construction projects that are in future budget years. This will allow the Village to seek assistance in funding the repairs of this work without spending 100% of Village funds.

Trustee Grujanac said there is a noticeable amount of erosion along Lincolnshire Creek on the other side of Londonderry and asked why this was not being addressed. Director of Public Works Hughes said utilities are an issue in the areas selected; electrical and phone systems are involved. Trustee Grujanac asked when the other side of Londonderry would be addressed, since the erosion is getting close to one of the homes. Director of Public Works Hughes said she has met with the owners and this area is being monitored

Trustee McDonough said the Village is spending approximately \$42,000 for community relations services, permit applications, surveying, funding research and establishing costs but wanted to confirm that no work would be done. Director of Public Works Hughes confirmed the cost did not include work. Trustee McDonough asked why not do the work involved. Director of Public Works Hughes said this is being done for the funding cycle and the Village will need to have the information available to apply for grants.

There was a consensus of the Board to place this item on the Consent Agenda for approval for the next regular Village Board Meeting.

3.34 Consideration and discussion of an Ordinance Authorizing the Disposal of Surplus Vehicles and Equipment (Village of Lincolnshire)

Director of Public Works Hughes said the Village has a surplus leaf loader staff has been stripping for parts since 2001. There is an offer from Standard Equipment for \$3,500 for this leaf loader. The Village can then use the funds toward repairs of the existing equipment and the remaining leaf program. Based on the estimate of the fair market value, staff believes this to be a good offer and worthy of consideration. Director of Public Works Hughes said in order to dispose of the equipment, an Ordinance needs to be done.

Trustee Saltiel asked if the Village has other leaf loaders to use. Director of Public Works Hughes said the Village currently has three other leaf loaders and the one in question has not been in use for years.

There was a consensus of the Board to place this item on the Consent Agenda for approval for the next regular Village Board Meeting.

3.4 Public Safety

3.41 Consideration and discussion of an amendment to Title 3-3, Liquor Control, for the creation and issuance of a Class "B" - Restaurant-Full Liquor- No Dancing liquor license for Platinum Restaurants, LLC, DBA - Eddie Merlot's Aged Beef & Seafood (Village of Lincolnshire)

Police Chief Kinsey said Eddie Merlot's has submitted a petition for their liquor license. Although they still need to get a health department license, state license and a copy of their liability insurance policy; staff is confident these items will be provided prior to opening. Police Chief Kinsey said due to the time frame involved in opening the restaurant, staff is recommending approval of awarding this license, which will be held until the rest of the documentation is submitted and the fees for the license are paid.

Trustee Saltiel asked if this could be approved on a conditional basis. Police Chief Kinsey said this is somewhat standard because it is a new restaurant and construction is still in process but close to being completed. Village Manager Irvin said the Village states that our license is not valid until they have a state license and the state says their license is not valid until they acquire a Village license.

There was a consensus of the Board to place this item on the Consent Agenda for approval for the next regular Village Board Meeting.

3.42 Consideration and discussion of a Proposed Change to Section 3-3-2-1 of the Village Liquor Control Ordinance Regarding the Prohibition

**Against Patrons Bringing Their Own Alcoholic Beverages into
Licensed Restaurants for Consumption (Village of Lincolnshire)**

Police Chief Kinsey said at the April 23, 2012 Committee of the Whole meeting there was discussion in regards to possibly changing this Ordinance. Direction was given from the Board to send out a letter to current liquor license holders asking their views on the Ordinance. A letter was sent to eight restaurants and only three of the eight restaurants replied. All three restaurants that replied were opposed to allowing patrons to bring in their own alcoholic beverages.

Trustee McDonough recommended this be a decision of the restaurants and not the Village. Trustee Grujanac suggested asking surrounding communities how they handle this. Village Manager Irvin said he asked the electrical aggregation consortium how they handled this and none would allow patrons to bring in their own alcoholic beverages. Trustee Feldman asked if non-licensed restaurants could allow this. Police Chief Kinsey said non-licensed restaurants could allow this because it is allowed by the State of Illinois. Mayor Blomberg asked who would be liable if a patron brought in their own alcohol and was considered over served. Police Chief Kinsey said the law for liability would not change. Mayor Blomberg directed staff to get more information from other communities and local restaurants.

It was the consensus of the Board to have staff survey surrounding communities, reach out to the restaurants that did not respond to the original request, ask local restaurants that were not included in the original request and bring the information back to the Committee of the Whole for further discussions.

4.0 UNFINISHED BUSINESS

Director of Community Development McNellis informed the Board that the Greek Orthodox Church will not be coming back to the Board on May 29, 2012 and they do not have a tentative date for when they will return. Staff had a resident contact them, who was concerned with notification when the church comes back and staff will provide residents with approximately ten days notice of the meeting. Residents will also be able to view the revised plan the Friday before the meeting. The Board does not see the plan until Thursday night and staff does not want to make the plan available to the residents until after the Board views it. Director of Community Development McNellis said staff can submit the plans to the Board earlier without a memo, if the Board agrees to this. Trustee Saltiel said he wants staff's recommendations and would want a memo. Trustee Saltiel asked if the plan from the church could be submitted a week prior to the normal time frame. Staff will request an extra week for the plan submittal.

5.0 NEW BUSINESS

- 5.1 Director of Community Development McNellis informed the Board about the Economic Development goals. Staff is proposing to start by visiting the top thirty businesses, let them know they are valued in the community, get feedback from them in regards to what the Village is doing right and ask what changes they would like to see. Trustee Saltiel said he thought this was a good idea and encouraged staff in regards to their approach. Trustees Saltiel, Feldman, Grujanac and McDonough said they would be able to volunteer time when meetings were set up with the businesses.
- 5.2 Trustee Brandt said e-mails were received by a few Trustees in regards to a Stranger Danger incident from the schools and wanted to know if the Village had a system of informing residents. Trustee Saltiel said the approach of the Village is to investigate and determine prior to rushing into anything and sending out alerts. Police Chief Kinsey gave an account of the recent incident and the School Board sent out a message, which is better than what the Village can do. Police Chief Kinsey said there are only about one hundred and fifty people registered to the E-mail blast on the website, but in an emergency situation, Connect CTY would be used. Mayor Blomberg said the elected officials should be informed of any incidents in the future.

6.0 EXECUTIVE SESSION

Trustee Grujanac moved and Trustee Servi seconded the motion to go into Executive Session for the purpose of discussing personnel. The roll call vote was as follows: AYES: Trustees Feldman, Servi, McDonough, Brandt, Grujanac and Saltiel. NAYS: None. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried and the Board went into Executive Session at 8:41 p.m. and came out of Executive Session at 8:50 p.m.

7.0 ADJOURNMENT

Trustee McDonough moved and Trustee Grujanac seconded the motion to adjourn. The voice vote was unanimous and the Mayor declared the meeting adjourned at 8:50 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk